
SENATE BILL 5481

State of Washington

68th Legislature

2023 Regular Session

By Senators Cleveland and Pedersen; by request of Uniform Law Commission

1 AN ACT Relating to the uniform telemedicine act; and adding a new
2 chapter to Title 18 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and
5 cited as the uniform telemedicine act.

6 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
7 section apply throughout this chapter unless the context clearly
8 requires otherwise.

9 (1) "Disciplining authority" means an entity to which a state has
10 granted the authority to license, certify, or discipline individuals
11 who provide health care.

12 (2) "Electronic" means relating to technology having electrical,
13 digital, magnetic, wireless, optical, electromagnetic, or similar
14 capabilities.

15 (3) "Health care" means care, treatment, or a service or
16 procedure, to maintain, monitor, diagnose, or otherwise affect an
17 individual's physical or behavioral health, injury, or condition.

18 (4) "Health care practitioner" means:

19 (a) A physician licensed under chapter 18.71 RCW;

1 (b) An osteopathic physician or surgeon licensed under chapter
2 18.57 RCW;

3 (c) A podiatric physician and surgeon licensed under chapter
4 18.22 RCW;

5 (d) An advanced registered nurse practitioner licensed under
6 chapter 18.79 RCW;

7 (e) A naturopath licensed under chapter 18.36A RCW;

8 (f) A physician assistant licensed under chapter 18.71A RCW; or

9 (g) A person who is otherwise authorized to practice a profession
10 regulated under the authority of RCW 18.130.040 or authorized through
11 the registration process established under section 7 of this act, to
12 provide health care in this state.

13 (5) "Out-of-state health care practitioner" means an individual
14 licensed, certified, or otherwise authorized by law of another state
15 to provide health care in that state.

16 (6) "Professional practice standard" includes:

17 (a) A standard of care;

18 (b) A standard of professional ethics; and

19 (c) A practice requirement imposed by a disciplining authority.

20 (7) "Registered health care practitioner" means an out-of-state
21 health care practitioner registered under section 7 of this act.

22 (8) "Scope of practice" means the extent of a health care
23 practitioner's authority to provide health care.

24 (9) "State" means a state of the United States, the District of
25 Columbia, Puerto Rico, the United States Virgin Islands, or any other
26 territory or possession subject to the jurisdiction of the United
27 States. The term includes a federally recognized Indian tribe.

28 (10) "Telecommunication technology" means technology that
29 supports communication through electronic means. The term is not
30 limited to regulated technology or technology associated with a
31 regulated industry.

32 (11) "Telemedicine" means the delivery of health care services
33 through the use of interactive audio and video technology, permitting
34 real-time communication between the patient at the originating site
35 and the provider, for the purpose of diagnosis, consultation, or
36 treatment.

37 (12) "Telemedicine services" means health care provided through
38 telemedicine.

1 NEW SECTION. **Sec. 3.** SCOPE. (1) This chapter applies to the
2 provision of telemedicine services to a patient located in this
3 state.

4 (2) This chapter does not apply to the provision of telemedicine
5 services to a patient located outside this state.

6 NEW SECTION. **Sec. 4.** TELEMEDICINE AUTHORIZATION. (1) A health
7 care practitioner may provide telemedicine services to a patient
8 located in this state if the services are consistent with the health
9 care practitioner's scope of practice in this state, applicable
10 professional practice standards in this state, and requirements and
11 limitations of federal law and law of this state.

12 (2) This chapter does not authorize provision of health care
13 otherwise regulated by federal law or law of this state, unless the
14 provision of health care complies with the requirements, limitations,
15 and prohibitions of the federal law or law of this state.

16 NEW SECTION. **Sec. 5.** PROFESSIONAL PRACTICE STANDARD. A health
17 care practitioner who provides telemedicine services to a patient
18 located in this state shall provide the services in compliance with
19 the professional practice standards applicable to a health care
20 practitioner who provides comparable in-person health care in this
21 state. Professional practice standards and law applicable to the
22 provision of health care in this state, including standards and law
23 relating to prescribing medication or treatment, identity
24 verification, documentation, informed consent, confidentiality,
25 privacy, and security, apply to the provision of telemedicine
26 services in this state.

27 NEW SECTION. **Sec. 6.** OUT-OF-STATE HEALTH CARE PRACTITIONER. (1)
28 An out-of-state health care practitioner may provide telemedicine
29 services to a patient located in this state if the out-of-state
30 health care practitioner:

31 (a) Holds a current license or certification required to provide
32 health care in this state or is otherwise authorized to provide
33 health care in this state, including through a multistate compact of
34 which this state is a member;

35 (b) Registers under section 7 of this act with the disciplining
36 authority responsible for licensing or certifying health care

1 practitioners who provide the type of health care the out-of-state
2 health care practitioner provides; or

3 (c) Provides the telemedicine services:

4 (i) In consultation with a health care practitioner who has a
5 practitioner-patient relationship with the patient; or

6 (ii) In the form of a specialty assessment, diagnosis, or
7 recommendation for treatment.

8 (2) A requirement for licensure or certification of an out-of-
9 state health care practitioner who supervises an out-of-state health
10 care practitioner providing telemedicine services may be satisfied
11 through registration under section 7 of this act.

12 NEW SECTION. **Sec. 7.** REGISTRATION OF OUT-OF-STATE HEALTH CARE
13 PRACTITIONER. (1) A disciplining authority listed under RCW
14 18.130.040, including the secretary of health, shall register, for
15 the purpose of providing telemedicine services in this state, an out-
16 of-state health care practitioner not licensed, certified, or
17 otherwise authorized to provide health care in this state if the
18 health care practitioner:

19 (a) Submits a completed application in the form prescribed by the
20 disciplining authority;

21 (b) Holds an active, unrestricted license or certification in
22 another state that is substantially equivalent to a license or
23 certification issued by the disciplining authority to provide health
24 care;

25 (c) Is not subject to a pending disciplinary investigation or
26 action by a disciplining authority;

27 (d) Has not been disciplined by a disciplining authority during
28 the five-year period immediately before submitting the application,
29 other than discipline relating to a fee payment or continuing
30 education requirement addressed to the satisfaction of the
31 disciplining authority that took the disciplinary action;

32 (e) Never has been disciplined on a ground that the disciplining
33 authority determines would be a basis for denying a license or
34 certification in this state;

35 (f) Consents to personal jurisdiction in this state for an action
36 arising out of the provision of a telemedicine service in this state;

37 (g) Appoints an agent for service of process in this state in
38 accordance with other law of this state and identifies the agent in
39 the form prescribed by the disciplining authority;

1 (h) Has professional liability insurance that includes coverage
2 for telemedicine services provided to patients located in this state
3 in an amount not less than the amount required for a health care
4 practitioner providing the same services in this state; and

5 (i) Pays the registration fee under subsection (5) of this
6 section.

7 (2) A disciplining authority may not register an out-of-state
8 health care practitioner under this chapter if the health care
9 practitioner does not satisfy all requirements of subsection (1) of
10 this section.

11 (3) A disciplining authority shall require a registered out-of-
12 state health care practitioner to renew their registration with the
13 same frequency as the disciplining authority requires for a
14 practitioner licensed or registered to practice in this state.

15 (4) A disciplining authority shall create an application for
16 registration under subsection (1) of this section and a form for
17 identifying the agent under subsection (1)(g) of this section.

18 (5) A disciplining authority may establish a registration fee
19 that reflects the expected cost of registration under this section
20 and the cost of undertaking investigation, disciplinary action, and
21 other activity relating to registered health care practitioners.

22 (6) A disciplining authority shall make available to the public
23 information about registered health care practitioners in the same
24 manner it makes available to the public information about licensed or
25 certified health care practitioners authorized to provide comparable
26 health care in this state.

27 (7) This section does not affect other law of this state relating
28 to an application by an out-of-state health care practitioner for
29 licensure or certification.

30 NEW SECTION. **Sec. 8.** DISCIPLINARY ACTION BY A DISCIPLINING
31 AUTHORITY. (1) A disciplining authority may take disciplinary action
32 against a registered health care practitioner who:

33 (a) Violates this chapter, chapter 18.130 RCW, or any Washington
34 statute or rule governing the conduct of the comparable Washington
35 state health care profession;

36 (b) Holds a license or certification that has been restricted in
37 a state; or

38 (c) Has been disciplined by a disciplining authority, other than
39 discipline relating to a fee payment or continuing education

1 requirement addressed to the satisfaction of the disciplining
2 authority that imposed the discipline.

3 (2) A disciplining authority may take an action under subsection
4 (1) of this section that it is authorized to take against a licensed
5 or certified health care practitioner who provides comparable health
6 care in this state.

7 (3) Disciplinary action under this section includes suspension or
8 revocation of the registered health care practitioner's registration
9 in accordance with other law of this state applicable to disciplinary
10 action against a health care practitioner who provides comparable
11 health care in this state.

12 NEW SECTION. **Sec. 9.** DUTIES OF REGISTERED HEALTH CARE
13 PRACTITIONER. A registered health care practitioner:

14 (1) Shall notify the disciplining authority not later than 10
15 days after a disciplining authority in another state notifies the
16 health care practitioner that it has initiated an investigation,
17 placed a restriction on the health care practitioner's license or
18 certification, or taken a disciplinary action against the health care
19 practitioner;

20 (2) Shall maintain professional liability insurance that includes
21 coverage for telemedicine services provided to patients located in
22 this state in an amount not less than the amount required for a
23 licensed or certified health care practitioner providing the same
24 services in this state; and

25 (3) May not open an office physically located in this state or
26 provide in-person health care to a patient located in this state.

27 NEW SECTION. **Sec. 10.** LOCATION OF CARE—VENUE. (1) The provision
28 of a telemedicine service under this chapter occurs at the patient's
29 location at the time the service is provided.

30 (2) In a civil action arising out of a health care practitioner's
31 provision of a telemedicine service to a patient under this chapter,
32 brought by the patient or the patient's personal representative,
33 conservator, guardian, or a person entitled to bring a claim under
34 the state's wrongful death statute, venue is proper in the patient's
35 county of residence in this state or in another county authorized by
36 law.

1 NEW SECTION. **Sec. 11.** RULE-MAKING AUTHORITY. Disciplining
2 authorities may adopt rules to administer, enforce, implement, or
3 interpret this chapter.

4 NEW SECTION. **Sec. 12.** UNIFORMITY OF APPLICATION AND
5 CONSTRUCTION. In applying and construing this chapter, a court shall
6 consider the promotion of uniformity of the law among jurisdictions
7 that enact the uniform telehealth act.

8 NEW SECTION. **Sec. 13.** SEVERABILITY. If any provision of this
9 act or its application to any person or circumstance is held invalid,
10 the remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 14.** Sections 1 through 12 of this act
13 constitute a new chapter in Title 18 RCW.

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